

# **EXHIBIT A**

UTAH, UNIVERSITY OF (16)  
movant

Patrick J. Haddad  
[COR LD NTC ret]  
Kerr, Russell & Weber, PLC  
500 Woodward Ave.  
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Detroit, MI 48226-3406  
Wayne  
(313) 961-0200

Pending Counts:

NONE

Terminated Counts:

NONE

Complaints:

NONE

U. S. Attorneys:

Barbara Colby Tanase  
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315 W Allegan, Rm. 252  
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## DOCKET PROCEEDINGS

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DATE # DOCKET ENTRY

8/27/01 -- SEARCH warrant issued by Magistrate Judge Hugh W. Brenneman Jr.  
[ 1:01-m -64 ] (dk) [Entry date 08/28/01]

8/29/01 3 MOTION for return of patient information under FRCrP

41(e), Expedited Consideration Requested by deft United Memorial Hosp with brief in support and attachments [ 1:01-m -64 ] (dk) [Entry date 08/30/01]

8/30/01 2 SEARCH warrant returned as to United Memorial Hosp w/attachment [ 1:01-m -64 ] (dk) [Entry date 08/30/01]

8/30/01 4 GOVT'S MOTION to seal attached document (Govt's Response in Opposition and Brief in Support to United Memorial Hospital's Motion for Return of Patient Information under FRCrP 41(e)) by USA as to deft United Memorial Hosp; w/attached PROPOSED ORDER [ 1:01-m -64 ] (dk) [Entry date 09/03/01]

9/5/01 6 RENEWED MOTION for return of patient information under FRCrP 41(e) (expedited consideration and o/a requested) by deft United Memorial Hosp with brief in support, attachments and proof of svc [ 1:01-m -64 ] (gjf) [Entry date 09/07/01]

9/5/01 7 NOTICE of hearing by Magistrate Judge Hugh W. Brenneman Jr. as to deft United Memorial Hosp; evidentiary hrg set for 9/10/01 at 9:00 a.m. (cc: all counsel) [ 1:01-m -64 ] (gjf) [Entry date 09/07/01]

9/10/01 -- MINUTES before Magistrate Judge Hugh W. Brenneman Jr. Evidentiary Hrg held; atty Addis to submit order to the court for approval; DDKettner, Tape B01-166 [ 1:01-m -64 ] (dmh) [Entry date 09/10/01]

9/17/01 8 ORDER RE RETURN OF PATIENT CHARTS (2 pgs) by Magistrate Judge Hugh W. Brenneman Jr.; granting in part and denying in part deft United Mem Hosp's motion for return of patient information [3-1] and renewed motion [6-1] (cc: all counsel 9/18/01) [EOD Date 9/19/01] [ 1:01-m -64 ] (dk) [Entry date 09/19/01]

9/18/01 9 ORDER TO SEAL DOCUMENT (1 pg) by Magistrate Judge Hugh W. Brenneman Jr. granting Govt's motion to seal [4-1] its Response in Opposition with brief in support as to United Memorial Hospital's Motion for Return of Patient Information (cc: all counsel 9/18/01) [EOD Date 9/19/01] [ 1:01-m -64 ] (dk) [Entry date 09/19/01] [Edit date 11/09/01]

10/4/01 11 INDICTMENT (24 pgs) against United Memorial Hosp (1) count(s) 1, 2-19, 20-31, Daniel Seward count 1, Matthew Dewys (3) count 1 (dmh) [Entry date 11/29/01]

10/4/01 12 GOVT'S MOTION and ORDER (1 pg) by Magistrate Judge Joseph G. Scoville to seal the Indictment until further order of the court; (cc: AUSA) [EOD Date 11/29/01] (dmh) [Entry date 11/29/01]

11/7/01 14 SEALED document by pltf USA (dmh) [Entry date 11/29/01]

11/7/01 15 SEALED document by pltf USA (dmh) [Entry date 11/29/01]

11/26/01 13 GOVT'S MOTION and ORDER (1 pg) by Magistrate Judge Hugh W.

USA's motion to disqualify attorney for United Memorial Hosp. [33-1]; and denying pltf USA's motion to disqualify attorney for Dewys [34-1]; further, that Defts' United Memorial Hospital and DeWys shall promptly employ "backup" counsel as described in the Court's Opinion. (cc: all counsel) [EOD Date 3/15/02] (bd) [Entry date 03/15/02] [Edit date 03/15/02]

3/25/02 -- MINUTES: before Magistrate Judge Hugh W. Brenneman Jr. as to Deft. Daniel Seward. Arraignment held; Deft pled Not Guilty; Rights form signed, Defts' deadline for filing motions extended to 4/26/02. Order to issue by Court. Recorded by: DDK, Tape #B02-100 (cr) [Entry date 03/28/02] [Edit date 03/28/02]

3/25/02 74 DEFENDANT'S RIGHTS as to deft Daniel Seward M.D. (cr) [Entry date 03/28/02]

3/25/02 75 ATTORNEY APPEARANCE for deft Daniel Seward M.D. by David Griem. (cr) [Entry date 03/28/02]

3/25/02 -- MINUTES: before Magistrate Judge Hugh W. Brenneman Jr. as to Deft. Matthew Dewys. Arraignment held; Rights form signed Deft. pled Not Guilty; Govt to furnish add'l discovery material nlt 4/5/02; Deft's deadline for filing motions extended to 4/26/02. Order to followRecorded by: DDK, Tape #B02-100 (cr) [Entry date 03/28/02] [Edit date 03/28/02]

3/25/02 76 DEFENDANT'S RIGHTS as to deft Matthew Dewys D.O. (cr) [Entry date 03/28/02]

3/25/02 -- MINUTES: before Magistrate Judge Hugh W. Brenneman Jr. arraignment held as to Deft. United Memorial Hosp.; Rights form signed; Deft pled Not Guilty as to all counts; Govt to furnish add's discovery material nlt 4/5/02; Deft deadling for filing motions extended to 4/26/02; Order to issueRecorded by: DDK, Tape #B02-100 (cr) [Entry date 03/28/02]

3/25/02 77 DEFENDANT'S RIGHTS as to deft United Memorial Hosp (cr) [Entry date 03/28/02]

4/1/02 78 ORDER (1 pg) by Magistrate Judge Hugh W. Brenneman Jr. re: defts United Memorial Hospital, Daniel Seward and Matthew Dewys's oral motion for extension of motion filing deadline - granted; Govt shall furnish all discovery material to defts no later than 4/05/02; deadline for filing motions by defts is extended to 4/26/02; (cc: all counsel on 4/02/02 by gjf) [EOD Date 4/3/02] (bd) [Entry date 04/03/02] [Edit date 08/15/02]

4/16/02 79 (SEALED)/and Redacted - APPLICATION (REQUEST) by pltf USA for Order to Disclose Returns and Return Information; w/proposed Order; w/Cert. Service (bd) [Entry date 04/17/02] [Edit date 05/17/02]

4/18/02 80 GOVT'S MOTION to seal document (#79) by pltf USA; w/Cert. of Svc. (bd) [Entry date 04/19/02]

4/26/02 81 MOTION and Demand for Discovery and Disclosure of

part - inasmuch as the testimony will be permitted, but will be subject to a proper limiting instruction - motion in limine (re death of patient D.W.) [151-1]; granting in part and denying in part - inasmuch as the testimony will be permitted, but will be subject to a proper limiting instruction - motion in limine (re prior state civil/workers comp. proceedings involving insurance carrier reimbursement for medical expenses) [152-1]; motion in limine (to exclude testimony and evidence concerning credentialing and peer review materials of Dr. Kam and Dr. T. Lorance) [153-1]; granting in part and denying in part- inasmuch as the evidence will be but evidence concerning Deft UMH's reliance on other hospitals' credentialing will also be permitted - motion in limine to exclude testimony and evidence concerning United Memorial Hosp's Credentialing and Peer Review Processes [126-1]. (cc: all counsel) [EOD Date 8/21/02] (bd) [Entry date 08/21/02] [Edit date 08/28/02]

8/21/02 173 GOVT'S MOTION for leave to file reply to deft United Memorial Hospital's response to Govt's ninth motion in limine with brief in support by USA, Exhibits C-D, certificate of service (rlw) [Entry date 08/23/02]

8/26/02 174 ORDER (1 pg) by Judge Richard A. Enslen denying pltf USA's motion for leave to file reply to deft United Memorial Hospital's response to Govt's ninth motion in limine [173-1] (cc: counsel) [EOD Date 8/28/02] (bd) [Entry date 08/28/02]

9/6/02 175 NOTICE of hearing by Judge Richard A. Enslen as to defts United Memorial Hosp, deft Daniel Seward M.D., deft Matthew Dewys D.O. in-court hrg for attys to report on status of readiness for 9/30/02 trial - set for 9/20/02 at 2:30 p.m. in Kalamazoo, MI (cc: all counsel, USM, USP) (bd) [Entry date 09/06/02]

9/6/02 176 LETTER to court from Atty. Felice lafrate/United Memorial Hosp (bd) [Entry date 09/06/02]

9/6/02 178 SEALED document by deft Matthew Dewys D.O. (bd) [Entry date 09/12/02]

9/6/02 182 SEALED ORDER (1 pg) by Judge Richard A. Enslen re: [178-1] (cc: counsel for one deft) [EOD Date 9/12/02] (bd) [Entry date 09/12/02]

9/9/02 177 MOTION to adjourn Sept. 30, 2002 trial by deft United Memorial Hosp w/Ex. A & B; w/Afdt of Mailing (bd) [Entry date 09/09/02]

9/9/02 179 ATTORNEY APPEARANCE for deft Matthew Dewys D.O. by attorney Glen A. Kampman (rlw) [Entry date 09/10/02]

9/9/02 180 CERTIFICATION OF COUNSEL (NOTICE) by attorney Glen a. Kampman on behalf of deft Matthew Dewys D.O. (rlw) [Entry date 09/10/02]

9/9/02 181 PROOF OF SERVICE by deft Matthew Dewys D.O. for pldg. Nos. 179-180 (rlw) [Entry date 09/10/02]

1/3/03 238 OPPOSITION by pltf USA to deft Matthew Dewys' motion for leave to offer polygraph evidence at trial [237-1]; w/Exhibit A; w/Cert. of Service (bd) [Entry date 01/03/03]

1/3/03 239 ORDER (2 pgs) by Judge Richard A. Enslen denying deft Matthew DeWys's motion for leave to offer polygraph evidence at trial [237-1] (cc: all counsel) [EOD Date 1/3/03] (rlw) [Entry date 01/03/03] [Edit date 05/19/03]

1/8/03 240 INFORMATION (3 pgs) against deft United Memorial Hosp (bd) [Entry date 01/10/03]

1/8/03 -- MINUTES:Proceeding before Judge Richard A. Enslen w/Attys. P. Green, B. Tanase, G. Martin. A. Addis and R. Suhrheinrich present re: defts United Memorial Hosp., Seward & Dewys: , guilty plea entered by United Memorial Hosp (1) to Information, count(s) 20-31; Indictment waived; USA's Motion to Dismiss Defts Seward & Dewys is granted; USA's Motion to Seal Private Addendum is granted; Court defers acceptance of the plea agreement in accordance with the Plea Agreement. Reporter, K. Thomas (bd) [Entry date 01/10/03]

1/8/03 241 WAIVER OF INDICTMENT by deft United Memorial Hosp (bd) [Entry date 01/10/03]

1/8/03 242 PLEA AGREEMENT (17 pgs) as to deft United Memorial Hosp (cc: Deft's Atty, US Atty Probation) (bd) [Entry date 01/10/03]

1/8/03 243 GOVT'S MOTION AND ORDER TO SEAL to seal document (private addendum) as to deft United Memorial Hosp (bd) [Entry date 01/10/03]

1/8/03 243 MOTION AND ORDER TO SEAL (1 pg) by Judge Richard A. Enslen granting motion to seal document (private addendum) [243-1] (cc: deft United Memorail Hosp. and USA counsel) [EOD Date 1/10/03] (bd) [Entry date 01/10/03]

1/8/03 244 SEALED document by deft United Memorial Hosp, pltf USA (bd) [Entry date 01/10/03]

1/8/03 245 GOVT'S MOTION to dismiss case (Indictments) by USA as to defts Daniel Seward M.D. and Matthew Dewys D.O. (bd) [Entry date 01/10/03]

1/8/03 246 ORDER (1 pg) by Judge Richard A. Enslen dismissing Indictment/counts as to Daniel Seward (2) count(s) 1ss, 1s, 1 pursuant to the USA's Motion to Dismiss pursuant to Rule 48(a) against Defendants Daniel Seward and Matthew Dewys; dismissing Indictment/counts as to Matthew Dewys (3) count(s) 1ss, 1s, 1 pursuant to Rule 48(a) against Defendants Seward and Matthew Dewys (cc: all counsel, USM, USP) [EOD Date 1/10/03] (bd) [Entry date 01/10/03]

2/5/03 247 TRANSCRIPT of Plea as to deft United Memorial Hosp held 1/8/03 before Judge Richard Alan Enslen; transcribed by K. S. Thomas, CSR, RPR (bd) [Entry date 02/06/03]

- 3/27/03 248 MOTION for leave to file under seal UMH's Motion to Compel Govt's Compliance with the Terms of the Court Sanctioned Plea Agreement and to Preclude Govt's Attempt to Impose Additional Post-Agreement Conditions Upon Deft by deft United Memorial Hosp with brief in support, Ex. A, B & C and w/Proof of Service; w/proposed sealed Motion (bd) [Entry date 03/31/03]
- 4/1/03 249 RESPONSE by pltf USA to UMH's motion for leave to file under seal UMH's Motion to Compel Govt's Compliance with the Terms of the Court Sanctioned Plea Agreement and to Preclude Govt's Attempt to Impose Additional Post-Agreement Conditions Upon Deft [248-1]; w/Cert. of Service (bd) [Entry date 04/01/03]
- 4/7/03 250 ORDER (1 pgs) by Judge Richard A. Enslen granting deft United Memorial's motion for leave to file under seal UMH's Motion to Compel Govt's Compliance with the Terms of the Court Sanctioned Plea Agreement and to Preclude Govt's Attempt to Impose Additional Post-Agreement Conditions Upon Deft [248-1] (cc: all counsel) [EOD Date 4/7/03] (rlw) [Entry date 04/07/03]
- 4/7/03 251 SEALED MOTION to compel by deft United Memorial Hosp with brief in support, Exhibits A-L (rlw) [Entry date 04/07/03]
- 4/15/03 252 SEALED - OPPOSITION by pltf USA to motion to compel [251-1]; w/Certificate of Service (bd) [Entry date 04/15/03]
- 4/25/03 253 ORDER (1 pg) by Judge Richard A. Enslen denying w/out prejudice UMH's motion to compel [251-1] (cc: all counsel) [EOD Date 4/25/03] (bd) [Entry date 04/25/03] [Edit date 05/19/03]
- 4/30/03 254 SEALED (JOINT) MOTION by deft United Memorial Hosp and pltf USA and by counsel for Spectrum Health [for order to disclose to Spectrum Health the Sealed Private Agreement Referenced in Paragraph 6(c) of the Plea Agreement; w/proposed Order; w/Certificate of Service (bd)] [Entry date 05/01/03] [Edit date 05/19/03]
- 4/30/03 255 SEALED MOTION by deft United Memorial Hosp, pltf USA and counsel for Spectrum Health for order to SEAL Joint Motion to Allow UMH to disclose to Spectrum Health the sealed private agreement referenced in paragraph 6(c) of the plea agreement w/brief in support; w/proposed Order; w/Cert. of Service (bd) [Entry date 05/01/03] [Edit date 05/19/03]
- 5/6/03 256 ORDER (1 pg) by Judge Richard A. Enslen granting USA, defts United Memorial Hospital and Spectrum Health's motion for order to SEAL Joint Motion to Allow UMH to disclose to Spectrum Health the sealed private agreement referenced in paragraph 6(c) of the plea agreement [255-1], granting USA, defts United Memorial Hospital and Spectrum Health's motion to allow United Memorial Hospital to Disclose to Spectrum Health the Sealed Private Agreement Referenced in Paragraph 6(c) of the Plea Agreement [254-1] (cc: all counsel) [EOD Date 5/7/03] (rlw) [Entry date 05/07/03]

- 5/13/03 257 SEALED - MOTION for Leave to File Supplemental Reply Brief to Defendant United Memorial Hospital's Motion to Compel Compliance with the Terms of Court's Sanctioned Plea Agreement and to Preclude Govt's Attempt to Impose Additional Post-Agreement Conditions upon Defendant; w/proposed Supplemental/Reply Brief... and Exhibits A-K by deft United Memorial Hosp (bd) [Entry date 05/15/03]
- 5/13/03 258 SEALED - MOTION to compel Govt's compliance with the terms of the Court's sanctioned Plea Agreement and to preclude Govt's attempt to impose additional post-agreement conditions upon defendant by deft United Memorial Hosp with brief in support; and Exhibits A-L. (bd) [Entry date 05/15/03]
- 5/23/03 259 GOVT'S MOTION for leave to file a SEALED Surreply in Response to UMH's Motion to Compel Compliance with the Plea Agreement with proposed Surreply; w/Cert. of Service (bd) [Entry date 05/23/03]
- 6/2/03 260 STIPULATION to hold defendant UMH's Motion to Compel Compliance With the Terms of Court's Sanctioned Plea Agreement and to Preclude Govt's Attempt to Impose Additional Post-Agreement Conditions Upon Defendant in Abeyance and to Extend the Deadline of June 1, 2003 in Paragraph 6.B of the Plea Agreement to Sept. 1, 2003; w/proposed Order (bd) [Entry date 06/03/03]
- 6/6/03 262 ORDER (1 pg) by Judge Richard A. Enslen granting UMH's motion for Leave to File Supplemental Reply Brief to Defendant United Memorial Hospital's Motion to Compel Compliance with the Terms of Court's Sanctioned Plea Agreement and to Preclude Govt's Attempt to Impose Additional Post-Agreement Conditions upon Defendant [257-1]; granting USA's motion for to file a SEALED Surreply in Response to UMH's Motion to Compel Compliance with the Plea Agreement [259-1] (cc: counsel) [EOD Date 6/6/03] (bd) [Entry date 06/06/03] [Edit date 06/06/03]
- 6/6/03 261 ORDER (2 pgs) by Judge Richard A. Enslen re: [260-1] stipulation: UMH's Motion to Compel Compliance with the Terms of the Court's Sanctioned Plea Agreement and to Preclude Govt's Attempt to Impose Additional Post Agreement Conditions Upon Deft dated 3/25/03 and renewed on May 13, 2003 be held in abeyance until Sept. 1, 2003 and ... (see text of Order for details.) (cc: counsel) [EOD Date 6/6/03] (bd) [Entry date 06/06/03]
- 6/6/03 263 SEALED - SUPPLEMENTAL REPLY by deft United Memorial Hosp to response to motion to compel Govt's compliance with the terms of the Court's sanctioned Plea Agreement and to preclude Govt's attempt to impose additional post-agreement conditions upon defendant [258-1] (bd) [Entry date 06/10/03]
- 6/6/03 264 SEALED - SUR-REPLY by pltf USA in Response to United Memorial's Motion to Compel Compliance with the Plea Agreement; w/SEALED - Exhibit 1; w/Cert. of Service (bd) [Entry date 06/10/03] [Edit date 06/10/03]